

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PERSONAL AUDIO, LLC,

Plaintiff,

v.

TOGI ENTERTAINMENT, INC. et al

Defendants

2:13-cv-13 Consolidated Action

JURY TRIAL DEMANDED

ORDER LIMITING ASSERTED CLAIMS AND PRIOR ART REFERENCES

The Court ORDERS as follows:

1. This Order supplements all other discovery rules and orders. It streamlines the issues in this case to promote a “just, speedy, and inexpensive determination” of this action, as provided by Federal Rule of Civil Procedure 1.

Phased Limits on Asserted Claims and Prior Art References

2. Plaintiff shall serve a Preliminary Election of Asserted Claims no later than December 27, 2014, which shall assert no more than four claims from the patent-in-suit. Not later than January 23, 2014, Defendants shall serve a Preliminary Election of Asserted Prior Art, which shall assert no more than eighteen prior art references¹.

¹ For purposes of this Order, a prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist.

3. No later than 28 days before the service of expert reports by the party with the burden of proof on an issue, Plaintiff shall serve a Final Election of Asserted Claims, which shall identify no more than four asserted claims. By the date set for the service of expert reports by the party with the burden of proof on an issue, Defendants shall serve a Final Election of Asserted Prior Art, which shall identify no more than nine asserted prior art references from among the eighteen prior art references previously identified. For purposes of this Final Election of Asserted Prior Art, each obviousness combination counts as a separate prior art reference.

Modification of this Order

4. Subject to Court approval, the parties may modify this Order by agreement, but should endeavor to limit the asserted claims and prior art references to the greatest extent possible. Absent agreement, post-entry motions to modify this Order's numerical limits on asserted claims and prior art references must demonstrate good cause warranting the modification. Motions to modify other portions of this Order are committed to the sound discretion of the Court.

SO ORDERED.

AGREED AS TO FORM:

/s/ Papool S. Chaudhari

Jeremy S. Pitcock
PITCOCK LAW GROUP
1501 Broadway, 12th Floor
New York, NY 10036
(646) 571-2237
(646) 571-2001 Fax
jpitcock@pitcocklawgroup.com

T. John Ward
State Bar No. 20848000
T. John Ward, Jr.
State Bar No. 00794818
WARD & SMITH LAW FIRM
P.O. Box 1231
Longview, Texas 75606-1231
(903) 757-6400 (telephone)
(903) 757-2323 (facsimile)
E-mail: tjw@wsfirm.com
E-mail: jw@wsfirm.com

Papool S. Chaudhari
Texas State Bar No. 24076978
CHAUDHARI LAW, PLLC
P.O. Box 1863
Wylie, Texas 75098
Phone: (214) 702-1150
Fax: (214) 705-3775
Papool@ChaudhariLaw.com

**ATTORNEYS FOR PLAINTIFF
PERSONAL AUDIO, LLC**

*/s/ Steven Lieberman with permission by Papool
S. Chaudhari*

Steven Lieberman
slieberman@rfem.com
Brian Rosenbloom
brosenbloom@rfem.com
Sharon Davis
sdavis@rfem.com
ROTHWELL, FIGG, ERNST & MANBECK, PC
607 14th St., N.W., Ste. 800

Washington, D.C. 20005
(202) 783-6040 (telephone)
(202) 783-6031 (facsimile)

Jennifer Parker Ainsworth
Texas State Bar No. 00784720
jainsworth@wilsonlawfirm.com
WILSON, ROBERTSON & CORNELIUS, PC
One American Center
909 ESE Loop 323, Suite 400
Tyler, TX 75701
(903) 509-5092 (telephone)
(703) 509-5092 (facsimile)

*Attorneys for Defendants
CBS Corporation and
NBCUniversal Media, LLC*

/s/ Josh Krevitt with permission by Papool S.
Chaudhari

Josh Krevitt
200 Park Avenue
New York, NY 10166-0193
Telephone: (212) 351-4000
Facsimile: (212) 351-4035

Jason Lo
Raymond LaMagna
333 South Grand Avenue
Los Angeles, CA 90071-3197
Telephone: (213) 229-7000
Facsimile: (213) 229-7520

Attorneys for Defendant Howstuffworks.com

/s/ Bill Frizzell with permission by Papool S.
Chaudhari

Bill Frizzell
Frizzell Law Firm
6653 Oak Hill Blvd
Tyler, TX 75703
903/595-1921
Fax: 903/595-4383
Email: bfrizzell@tyler.net

Attorney for Defendant Togi Entertainment, Inc.